

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

INNOMEMORY, LLC,

Plaintiff,

v.

SOUTHSTAR BANK S.S.B.,

Defendant.

Case No. 7:25-cv-00049

PATENT CASE

JURY TRIAL DEMANDED

**SOUTHSTAR BANK S.S.B.’S OPPOSITION TO
PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Defendant SouthStar Bank S.S.B. hereby opposes Plaintiff InnoMemory, LLC’s Notice of Voluntary Dismissal Without Prejudice (Dkt. 15) as procedurally improper and factually inaccurate. Plaintiff erroneously states that “Defendant has not yet answered the Complaint or moved for summary judgment” as the basis for dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). However, Defendant has, in fact, filed an Answer to the Complaint along with Counterclaims (Dkt. 8), to which Plaintiff responded (Dkt. 14). Therefore, Plaintiff is no longer entitled to dismiss this action by notice under Rule 41(a)(1)(A)(i). *See ContactWave LLC v. Macy’s Inc.*, No. 2:24-cv-00989, Dkt. 37 (E.D. Tex. March 30, 2025). Counsel for Defendant notified counsel for Plaintiff of this deficiency within an hour of the Notice’s filing and requested Plaintiff take prompt remedial action. Plaintiff has failed to respond to Defendant’s request.

Defendant respectfully requests that this Court strike Plaintiff’s defective Notice of Voluntary Dismissal so that Defendant has the opportunity to address any terms and conditions that should be imposed on any dismissal.

Dated: May 9, 2025

Respectfully submitted,

FISH & RICHARDSON P.C.

By: /s/ Michael A. Vincent

Neil J. McNabney
Texas Bar No. 24002583
mcnabney@fr.com
Lance E. Wyatt
Texas Bar No. 24093397
wyatt@fr.com
Michael B. Vincent
Texas Bar No. 24105738
vincent@fr.com
Alexander H. Martin
Texas Bar No. 24091828
martin@fr.com
1717 Main Street, Suite 5000
Dallas, Texas 75201
Tel: (214) 747-5070
Fax: (214) 747-2091

**COUNSEL FOR DEFENDANT,
SOUTHSTAR BANK S.S.B.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on May 9, 2025, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ Michael A. Vincent

Michael A. Vincent